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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/026,080 02/19/98 HEMBREE

D M10-020-1A

EXAMINER

NMC2/0605

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POTTER, R

ART UNIT

PAPER NUMBER

2822

DATE MAILED:

06/05/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

09/026,080

Applicant(s)

Hembree et al.

Examiner

Roy Potter

Group Art Unit

2822



☒ Responsive to communication(s) filed on Mar 7, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1, 3-6, 9-28, and 72 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 16-28 is/are allowed.

☒ Claim(s) 1 and 4 is/are rejected.

☒ Claim(s) 3, 5, 6, 9-15, and 72 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*Roy Potter*  
Roy Potter  
Patent Examiner  
Technology Center 2800

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 4 are rejected under 35 U.S.C. 102(a) as being anticipated by MacDonald, Jr et al., U.S. Patent 5914864.

MacDonald, Jr. et al. discloses a shock and vibration attenuating structure for an electronic assembly. As shown in figure 1, the structure includes a mass of elastomer material 34. The elastomer material has a first modulus of elasticity. Holes 30c in the elastomer material 34 give the elastomer structure a different modulus of elasticity than there would be without the holes.

### *Allowable Subject Matter*

Claims 3, 5-6, 9-15 and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16 - 28 are allowed.

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***Response to Arguments***

Applicant's arguments with respect to claims 2 - 6, 9 - 28 and 72 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant argues that because claim 1 has been amended to recite the subject matter of original dependent claim 2 which was indicated as containing allowable subject matter. For this reason, applicants submit that claim 1, as well as claims 3-6 and 9-15 which depend directly or indirectly therefrom are patentable over Hilton.

The indicated allowability of the subject matter of original claim 2 is withdrawn in view of the newly discovered reference(s) to MacDonald.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy Potter whose telephone number is (703) 308 - 4106.

***Roy Potter  
Patent Examiner  
Technology Center 2800***

Potter  
May 22, 2000